

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA 2016 JUL 25 AM 9:34
SAVANNAH DIVISION

CLERK
SO. DIST. OF GA.

UNITED STATES OF AMERICA)

v.)

CASE NO. CR415-189

CONSTANCE RILEY,)


Defendant.)

O R D E R

Before the Court is Defendant Constance Riley's Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3742(e). (Doc. 31.) In the motion, Defendant requests that the Court reconsider its sentence in this case based on her post-sentencing rehabilitation. (Id. at 1.) However, Defendant's reliance on 18 U.S.C. § 3742(e) is misplaced. That provision does not permit the Court to reduce a validly imposed sentence. The Court can only reduce a guideline sentence based on post-sentencing rehabilitation where the original sentence has been vacated. See Pepper v. United States, 562 U.S. 476, 490 (2011) ("[W]e think it clear that when a defendant's sentence has been set aside on appeal and his case remanded for resentencing, a district court may consider evidence of a defendant's rehabilitation . . . [in] support [of] a downward variance from the advisory

Guidelines range."). Accordingly, Defendant's motion is **DENIED.**

SO ORDERED this 22ND day of July 2016.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA